Appl. No. 09/497,006

Remarks

The present amendment responds to the Official Action mailed September 10, 2003. The Official Action rejected claims 1 and 3 under 35 U.S.C. §103(a) based on Haitsuka et al. U.S. Patent No. 6,366,298 ("Haitsuka") in view of Robinson U.S. Patent No. 5,918,014 ("Robinson"). Claims 4, 6, and 7 were rejected under 35 U.S.C. §103(a) based on Haitsuka in view of Robinson and further in view of Kunzinger et al. U.S. Patent No. 6,405,222 ("Kunzinger"). Claims 8, 9, and 11-13 were rejected under 35 U.S.C. §103(a) based on Haitsuka, Robinson, Kunzinger and further in view of Davis et al. U.S. Patent No. 5,796,952 ("Davis"). Claims 14 and 19 were rejected under 35 U.S.C. §103(a) based on Haitsuka, Robinson, Kunzinger, Davis, and further in view of Thomas U.S. Patent No. 6,128,663 ("Thomas"). Claims 10, 15-18, and 20-22 were rejected on the "same rationale" as claims 1-9 and 11-14. These issues are addressed below following a brief discussion of the present invention to provide context.

Independent claims 1, 10, 16, and 20 have been amended in accordance with a distinction noted in the Interview Summary summarized below. Claim 1 has been amended to add an additional step of "acquiring end user's consent to uploading saved information." Claim 8 has been amended to address a typographical error. Claim 10 has been amended to highlight an example of how the end user's consent is effectuated. Claims 16 and 20 have been amended to highlight that the monitored information is received after "acquiring consent to upload said monitored information from" the end user. Support for these amendments can be found in the specification at page 11, lines 7-33, for example. Claims 1, 3, 4, and 6-22 are presently pending. No new matter has been added by this Amendment.

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The Present Invention

The present invention addresses the needs of web content providers (1) to measure the effectiveness of their website in order to compete and (2) to focus their content to their subscribers or future subscribers while (3) maintaining the privacy of individuals. As an analogy, Nielson ratings used in the television market enable television networks to measure the popularity of individual shows and in turn the success of the particular network. The Nielson system collects demographic information and viewing habits of television viewers by requesting viewers to voluntarily participate. Such requests are typically made through the U.S. postal service.

The Internet market has made various attempts to address the problem of measuring the effectiveness of a website. A typical unsophisticated approach uses the "hit" metric to measure the number of times a website is viewed by a user. A more sophisticated approach uses typical Internet marketing systems which track the behavior of users without their consent to achieve an unrelated objective of focusing advertisements to a user based on tracking the user's patterns of usage of the Internet. These marketing systems typically involve extracting demographic and behavior information from the user without the user's knowledge. The lack of agreement by the user raises privacy issues. Additionally, these marketing systems use the extracted information to transmit focused advertisements to the user. Besides the privacy issues raised, the lack of agreement by the user may affect the user's bandwidth because the user has no control of when data is uploaded to these marketing systems and when advertisements are downloaded to the user.

The present invention relates generally to methods and systems for using a computer to gather information regarding an end user's visits to web pages and a duration and date of each visit, and then pairing this data with the user's demographic data. Such methods and systems may

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suitably include the steps of monitoring the web pages the end user visits; recording the duration

and date of each visit monitored; saving information recorded in the end user's computer; storing

the end user's demographic data in the data processing computer; acquiring the end users' consent

to upload saved information; and uploading stored information upon selective operation by the end

user from the end user's computer to the data processing computer.

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Interview Summary

The Examiner is thanked for the courtesy of a telephone interview concerning the above case on September 26, 2003.

In the telephone call, the relied upon art was discussed including the new art of Davis and Thomas with respect to claim 1's step of "uploading saved information upon selective operation by the end user from the end user's computer to a data processing computer, the information saved to the end user's computer in step (c)." During this discussion, agreement was reached that a distinguishing characteristic over all the relied upon art included the control offered to the end user over uploading the saved information. Although not agreed to by the Applicant, the Examiner stated that the quoted wording above would be interpreted too broadly. Potential claim amendments were discussed in concept but no agreement was reached to actual wording changes. The Examiner agreed to consider claim amendments and supporting arguments which highlight the distinction noted.

As required by MPEP §713.04, please enter this Interview Summary into the application file.

The Art Rejections

All of the art rejections hinge on the application of Haitsuka, Robinson, Kunzinger, Davis, and Thomas. As addressed in greater detail below, these references do not support the Official Action's reading of them and the rejections based thereon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of these references made by the Official Action and respectfully traverses the Official Action's analysis.

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Claims 1 and 3 were rejected under 35 U.S.C. §103(a) based on Haitsuka in view of

Robinson. Haitsuka addresses methods and apparatus for monitoring on-line activities of an on-

line user in order to display advertisements targeted to the user's on-line activities. Haitsuka, col.

3, lines 1-19. The text at col. 4, lines 42-43 of Haitsuka discloses a monitoring server 130

disposed in a network to perform user activity monitoring along with a client monitoring

application 110 running on a user's machine. Each time the user performs on-line activity, the

client monitoring application communicates with the monitoring server. Haitsuka, col. 5, lines 44-

58. This simultaneous communication between the client monitoring application 110 and the

monitoring server 130 during the time the user is on-line results in a degradation of available

bandwidth to the user's on-line activity. While the user is on-line, the monitoring server

determines which targeted data needs to be sent to the client monitoring application and then

transmits this targeted data to the client monitoring application without any authorization by the

user. See, Haitsuka, col. 6, lines 62-66.

In contrast to Haitsuka, the present invention addresses gathering information at the user's

computer for subsequent reporting to a data processing computer at a time selected by the user. In

one aspect, the present invention addresses an advantageous approach to the degradation of user

bandwidth presented by Haitsuka's approach. As taught by the present invention, the user is

prompted at the expiration of a pre-defined time interval to voluntarily upload the recorded

information. Such user control allows the user to postpone any user bandwidth impact resulting

from uploading the stored information. Claim 1, as presently amended, reads as follows:

> A method for using a computer to gather information of an end user's visits
> to web pages and a duration of each visit, the method comprising the steps of:
> (a) monitoring the web pages the end user visits;

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(b) recording the duration and date of each visit monitored in said step (a);

(c) saving information recorded in said step (b) in the end user's computer;

(d) <u>acquiring the end users' consent to upload saved information</u>; and

(e) uploading saved information <u>upon selective operation by the end user</u>
from the end user's computer to a data processing computer, the information saved
to the end user's computer in said step (c). (emphasis added)

The Official Action cites col. 5, lines 23 – col.6, line 3 and col. 6, line 34-45 of Haitsuka as

standing for the uploading step. However, Haitsuka states at col. 5, lines 44-50 "[e]ach time an

individual uses the local device 100 to connect to the data access network 120, the client

monitoring application 110 and the monitoring server establish a session. In this session, the

client monitoring application 110 transmits certain information regarding the user of the local

device 100 and his use of the local device 100 while connected to the data access network 120."

Additionally, Haitsuka at col. 6, lines 42-45 states "[e]ach time the local device 100 connects to

the monitoring server 130, the client monitoring application 110 preferably sends data indicating

the local device's current geographical location to the monitoring server 130." Accordingly,

Haitsuka does not teach and does not suggest uploading information upon a "selective operation

by the end user" as claimed in presently amended claim 1. Also, Haitsuka does not teach and does

not suggest acquiring the end users' consent to upload saved information as presently claimed in

claim 1. See also claim 8 which requires "requesting the end user to upload the saved information

upon expiration of a user defined time interval, the saved information further including URLs the

user has previously visited and the duration of time the user has spent visiting these URLs." See

claim 10 which requires "said processor operating to <u>periodically request the user at the expiration</u>

<u>of a predefined time interval to consent to uploading the monitored information</u> to a data

processing computer through the Internet". (emphasis added) See also claim 16 and 20 which

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require "said monitored information is received after acquiring consent to upload said monitored information from an end user".

Further, referring to col. 6, lines 18-27 and Fig. 3 of Haitsuka, the information analyzed by Haitsuka's system is used to then send data, in the form of advertisements, to the user according to scheduling constraints. Unlike Haitsuka, the present invention advantageously transmits data in one direction from the user to the data processing computer to assess the effectiveness of web sites without subjecting the user to advertisements. Haitsuka does not teach and does not suggest uploading information "without receiving any information from the data processing computer to be displayed to the end user" as claimed in claim 8. See also claim 17 which requires the data system to "only receive[s] monitored information without transmitting any information which would be displayed to an end user."

Robinson fails to cure the deficiencies of Haitsuka as a reference. Robinson addresses a system and apparatus for determining which advertisement to display to a particular on-line user. Robinson, col. 2, lines 9-17. To this end, Robinson's approach involves classifying users having similar interests into a "community" on the theory that people with similar interests would likely be interested in the same advertisements. Robinson, col. 2, lines 20-27. At col. 2, lines 48-57, Robinson's disclosure suggests means of tracking user's activities such as the use of "cookies." Notwithstanding Internet browser configuration options which affect the Internet browser's general behavior with respect to cookies, the cookie model of programming involves a Web server fetching the information stored on the user's machine without providing the user the option to not release the cookie information. See the Understand Cookies section and the Usefulness of Cookies section of *Using Cookies* available at

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http://studio.tellme.com/vxml2/ovw/cookies.html#cookies_101. The remainder of the cited

portion of Robinson does not teach and does not suggest "uploading upon selective operation by

the end user from the end user's computer to the data processing computer" as claimed in claim 1.

Similarly, see claim 10 which requires "said processor periodically requests the user at the

expiration of a predefined time interval to select whether to upload the monitored information to a

data processing computer through the Internet." See also claims 16 and 20 which require "said

monitored information is received after acquiring consent to upload said monitored information

from an end user."

Haitsuka and Robinson cannot simply be combined to obtain the presently claimed

invention. By way of example, if the teachings of Robinson were combined into Haitsuka as the

Official Action suggests, the problem of decreasing user bandwidth caused by involuntary

transmission of monitored information and unsolicited advertisements would still exist. Further,

the problem of user privacy would still exist. The previous response dated June 12, 2003

traversed this rejection but the action to which this response replies never addressed the

Applicant's arguments. It is requested that clarification of this rejection as it relates to the present

claims be provided to address the traversed rejections as required by MPEP §707.07(f).

Dependent claims 4, 6, and 7 were rejected under 35 U.S.C. §103(a) based on Haitsuka,

Robinson, and Kunzinger. Kunzinger describes a system which concurrently displays a set of web

pages in a distributed database with a minimum of user interactions to improve the use of

bookmarks in web browsers. Kunzinger, Abstract. To this end, Kunzinger's web server

compresses and decompresses related web pages for concurrent display. Kunzinger, col. 9, lines

22-24.

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Unlike Kunzinger, the present invention compresses and encrypts information monitored and saved at an end user's system. Claim 4 which depends on claim 1 recites "wherein the information saved in step (c) is compressed and encrypted." Step (c) in claim 1 recites "saving information recorded in said step (b) in the end user's computer." Kunzinger does not suggest and does not teach compression and encryption in the manner presently claimed in claim 4.

Moreover, unlike the present invention, Haitsuka's approach does not teach and does not suggest ensuring privacy by uploading saved information containing a user identification code that relates to the end user's demographic information stored at a data processing system. (emphasis added) This feature in the present invention provides end user privacy because the end user code itself contains no information related to the end user which could be tapped by attaching a network analyzer monitoring network transmissions. Claim 6 recites "wherein the information saved in said step (c) is stored under an end user's user identification code." Claim 11 requires that the "monitored information is paired with end user's user identification code." Claim 15 requires "a second database for storing user identification information including a user identification code, said user identification code is used as a key to relate corresponding monitored information in the first user database with the user identification information." Claim 18 requires "the demographic information and the monitored information include an end user identification code for matching monitored information with demographic information." Claim 21 requires "comparing an end user identification code stored with the end user information with an end user identification code carried in the uploaded monitored information."

Dependent claims 8, 9, and 11-13 were rejected under 35 U.S.C. §103(a) based on Haitsuka, Robinson, Kunzinger, and Davis. The Official Action summarily rejected claims 10,

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15-18, and 20-22 on the same grounds as claims 1-9 and 11-14. Davis describes a method for

monitoring a client interaction with a resource downloaded from a server in a computer network.

Davis, Abstract. To this end, Davis's approach includes embedding a tracking program with the

downloaded resource. The tracking program starts a timer while the user uses the downloaded

resource. When the downloaded resource is a web page, once the user leaves the web page the

tracking program sends the monitored time to another computer on the Internet for storage and

analysis. See Davis, col. 9, lines 3-15. Because the tracking software is embedded in the

downloaded resource, a user of Davis's system is unaware of the information gathered and the

event of the timer being expired and is not provided timing control of the uploading information.

In stark contrast to Davis, the present invention acquires the user's consent for uploading

monitored information. For example, the user may log on to the system before each web session

by identifying himself or herself as shown in Fig. 2 by providing the user's identification code or

user name. See page 11, lines 7-11. Further, referring to page 7, lines 6-9, the user by other

means than the network registers personal demographic information for entry into the global user

demographic database to ensure privacy and consent, for example. The present invention's data

processing center 22 "never prompts an end user to upload any information and never receives any

data unless the user voluntarily uploads the data." Specification, page 11, lines 31-33. See

independent claim 10 which requires "said processor operating to periodically request the user at

the expiration of a predefined time interval to consent to uploading the monitored information to a

data processing computer through the Internet", independent claim 16 which requires "said

monitored information being received after acquiring consent to upload said monitored

information from an end user", and independent claim 20 which requires the step of "receiving

<div align="center">17</div>

uploaded monitored information from an end user's computer wherein said monitored information including the URLs visited by end users and the duration of time spent visiting these URLs, said monitored information being received after acquiring consent to upload said monitored information from an end user."

Davis, separately or in combination with the other references, does not teach and does not suggest acquiring the consent to upload monitored information from an end user as claimed. Davis simply embeds a tracking program with the downloaded resource to be tracked. For Davis to accomplish the objectives of the present invention, Davis's tracking software must be installed on all resources intended to be tracked. The present invention takes an entirely different approach by tracking voluntary users' habits to accumulate ratings for visited web sites, a problem which is not addressed in Davis. These accumulated ratings may be subsequently sold to the URLs visited by the voluntary users.

Dependent claims 14 and 19 were rejected under 35 U.S.C. §103(a) based on Haitsuka, Robinson, Kunzinger, Davis, and Thomas. The Official Action summarily rejected claims 10, 15-18, and 20-22 on the same grounds as claims 1-9 and 11-14. Thomas describes a system for customizing web pages based on demographic information stored on a client's computer. The Official Action apparently relies upon Thomas for its disclosure related to encrypting and compressing demographic information.

Unlike Thomas, the present invention not only does not compress demographic information it does not upload demographic information over the network. Demographic data is supplied off-line to the data processing center for input to the global user demographic database, for example, during a registration process over the telephone or by conventional mail.
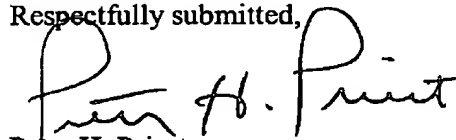
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Specification, page 7, lines 6-9. The Official Action misreads the present invention. The present invention uploads a user identification code which is mapped to demographic information at a global user demographic database. There are no presently pending claims which claim compressing demographic information. Thus, Thomas is irrelevant to the present claims.

The relied upon references fail to recognize and address the problems in the manner advantageously addressed by the present claims. The claims as presently amended are not taught, are not inherent, and are not obvious in light of the art relied upon.

Conclusion

All of the presently pending claims define over the applied art. The present rejections should be withdrawn and the claims promptly allowed.

Respectfully submitted,

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